

Exhibit B

STATE OF WISCONSIN, CIRCUIT COURT, TAYLOR

COUNTY

For Official Use

IN THE INTEREST OF

Order for Temporary
Physical Custody

J. Doe, an unborn child, and Tamara M. Loertscher

Name

☐ Secure☒ Nonsecure

FILED

AUG 05 2014

TONI MATTHIAS
PROBATE/JUVENILE DIVISION
TAYLOR COUNTY, WIS.

Case No. _____

Date of Birth _____

A hearing for temporary physical custody was held on [Date] _____, which is the effective date of this order.

THE COURT FINDS:

1. The child/juvenile is in the jurisdiction of this court under

☐ delinquency [statutes]: _____ or☐ JIPS [statutes]: _____ or☒ CHIPS [statutes]: 48.133

2. Probable cause exists to believe that the

☐ A. Child/juvenile will commit injury to person or property of others.☒ B. Child/juvenile will ☐ cause injury to self. ☒ be subject to injury by others.☐ C. Parent(s), guardian, legal custodian or other responsible adult is☐ neglecting ☐ refusing ☐ unable ☐ unavailable to provide adequate supervision and care.☐ D. Child/juvenile will run away or be taken away, making the child/juvenile unavailable for further court proceedings.☐ E. Parent(s) has relinquished custody of the child/juvenile.

3. Child/juvenile is not subject to the federal Indian Child Welfare Act.

(If the child/juvenile is subject to the Indian Child Welfare Act, use the Indian Child Welfare Act version [IW-1711] of this order.)

For secure custody, the court further finds that probable cause exists to believe:

- ☐
1. The child/juvenile has committed a delinquent act and there is a substantial risk of
-
- ☐
- physical harm to another.
- ☐
- running away.

- ☐
2. The child/juvenile is a
- ☐
- fugitive from another state
- ☐
- runaway from a juvenile correctional facility,
-
- and there was no reasonable opportunity to return the child/juvenile.

- ☐
3. A protective order was issued and the child/juvenile consents in writing to the custody.

- ☐
4. The child/juvenile ran away or committed a delinquent act while in nonsecure custody and no other suitable
-
- alternative exists.

- ☐
5. The child/juvenile is alleged/adjudicated delinquent and is a runaway from another county and would run
-
- away from nonsecure custody.

- ☐
6. The child/juvenile is subject to adult criminal court jurisdiction and is under 15 years of age.

For secure custody in a jail, the court further finds:

- ☐
1. No other juvenile detention facility approved by DOC or the county is available.

- ☐
2. The child/juvenile presents a substantial risk of physical harm to others in the juvenile detention facility.

For all custody outside of the home, the court further finds:

1. Continuation of residence in the home at this time ☒ is ☐ is not contrary to the child's/juvenile's welfare. Tamara Loertscher denies drug use but has tested positive to the use of controlled substances which, if use continues, will cause significant harm to her unborn child.
2. Reasonable efforts to prevent removal and return child/juvenile safely home were *[Complete one of the following]*
 - ☐ made by the department or agency responsible for providing services.
 - ☒ made by the department or agency responsible for providing services, although an emergency situation resulted in immediate removal of the child/juvenile from the home. TCHSD has offered voluntary services, counseling, and treatment to Tamara Loertscher who refuses the help.
 - ☐ not required under §48.355(2d) and §938.355(2d), Wis. Stats.
 - ☐ required, but good cause was shown why sufficient information is not available to enable the court to make the necessary findings. This hearing is continued until [Date – Not to exceed 5 days] _____.
 - ☐ required, but the department or agency responsible for providing services failed to make reasonable efforts.
3. Reasonable efforts to place the child/juvenile in a placement that enables the sibling group to remain together were
 - ☐ made.
 - ☒ not required because the child/juvenile does not have siblings in out-of-home care.
 - ☐ not required because it would be contrary to the safety or well being of the child/juvenile or any of the siblings.
4. As to the department or agency recommendation:
 - ☒ A. The placement location recommended by the department or agency is adopted.
 - OR
 - ☐ B. After giving bona fide consideration to the recommendations of the department or agency and all parties, the placement location recommended is not adopted.
- ☐ 5. The ☐ mother ☐ father was present and was asked to provide the names and other identifying information of three adult relatives of the child/juvenile or other adult individuals whose home the parent requests the court to consider as placements for the child/juvenile.

THE COURT ORDERS:

1. The child/juvenile is held in custody
 - ☐ A. In-home at _____.
 - ☒ B. Out-of-home at treatment facility TBD by treating physicians and program director of TCHSD and into the placement and care responsibility of the
 - ☒ Taylor County _____ county department, which has primary responsibility for providing services.
 - ☐ Department of Children and Families, which has primary responsibility for providing services.
 - ☐ Bureau of Milwaukee Child Welfare, which has primary responsibility for providing services.
- ☐ 2. This is an out-of-home placement. The child/juvenile has one or more siblings in out-of-home care and the child/juvenile is not placed with all those siblings.
 - ☐ The department or agency shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the child/juvenile and any siblings.
 - ☐ The department or agency is not required to provide for frequent visitation or other ongoing interaction because it would be contrary to the safety or well being of the child/juvenile or any siblings.

Order for Temporary Physical Custody – Secure/Non-Secure

Page 3 of 3

Case No. _____

- ☐ 3. This is an out-of-home placement and the department or agency shall conduct a diligent search in order to locate and provide notice as required by §48.21(5)(e)2. or §938.21(5)(e)2., Wis. Stats., to all adult relatives of the child/juvenile, including the three adult relatives provided by the parents under §48.21(3)(f) or §938.21(3)(f), Wis. Stats., no later than 30 days from the date of the child's/juvenile's removal from the home, unless the search was previously conducted and notice provided.
- ☐ 4. While in a nonsecure placement above, the child/juvenile shall also be monitored by an electronic monitoring system.
- ☒ 5. Other conditions of custody see attached
- ☐ 6. The parent(s)/guardian shall contribute toward the expenses of custody/services in the amount of
☐ \$ _____
☐ to be determined by [Agency] _____
7. Transportation to the placement and any return to court shall be provided by _____
8. The next hearing date is _____ at _____ ☐ a.m. ☐ p.m.
- ☐ 9. The request for temporary physical custody is denied.
10. Other: _____

Name and Address of Placement:

Luther Hospital
 1221 Whipple Street
 Eau Claire, WI 54703

*until medically
 cleared then treatment
 facility*

THIS IS A FINAL ORDER FOR PURPOSES OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.

BY THE COURT:

DISTRIBUTION:

1. Original - Court
2. Placement Facility
3. Child/Juvenile/Parents/Attorneys
4. Social Worker/Intake Worker


☐ Circuit Court Judge ☒ Circuit Court Commissioner

Hon. Greg Krug

Name Printed or Typed

August 5, 2014

Date

Attachment to 5 of the Court Order:

1. That she be placed at a licensed treatment facility until the program directors deem it appropriate to release her;
2. That she comply with the program directors' assessment and treatment recommendations;
3. That if discharged from that program, that she continue to comply with treatment recommendations including complete sobriety, random Urine Analysis;
4. That she cooperate with TCHSD
5. That she sign all releases requested by TCHSD that is necessary to facilitating/monitoring her treatment
6. That if she does not comply she shall be held in contempt of court.